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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,305	12/06/2001	Charles E. Prussak	ST-UCSD3140	1335

7590 05/09/2008
STACY L. TAYLOR
DLA PIPER US LLP
Suite 1100
4365 Executive Drive
San Diego, CA 92121-2133

EXAMINER

GAMBEL, PHILLIP

ART UNIT	PAPER NUMBER
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1644

MAIL DATE	DELIVERY MODE
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05/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10006305	12/6/2001	PRUSSAK ET AL.	ST-UCSD3140

STACY L. TAYLOR
DLA PIPER US LLP
Suite 1100
4365 Executive Drive
San Diego, CA 92121-2133

EXAMINER

Phillip Gambel

ART UNIT	PAPER
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1644	20080507
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant's amendment, filed 01/17/2008, has been entered.

Claims 2 and 8 have been amended.

Claims 71-74 have been added.

Claims 1, 5-7, 9-10, 13, 15, 22, 30-31, 42, 52-61 and 69-70 have been canceled previously.

However, the numbering of claims is not accordance with 37 C.F.R. 1.126. The original numbering of the claims must be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When claims are added, except when presented in accordance with 37 CFR 1.121(b), they must be renumbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

From a review of the previous pending claims (e.g., see Listing of Claims submitted 10/05/2006 and the previous Office Actions), there are a total of 75 claims.

Applicant's amendment, filed 01/17/2008, adds claims 71-74; yet addresses claims 2-4, 8, 11-12, 27-29, 32-41 and 68-75.

Given this confusion as to the pending claims, including newly added claims; the amendment is non-compliant because the "Listing of Claims" is not a complete listing of all of the claims.

Additionally, each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.

Since applicant has received an action on the merits for the originally presented invention, applicant's response is considered non-repsonsive. Since the amendment appears to be a bona fide attempt to be a reply (37 CFR § 1.135(c)), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this notice within which to re-submit the corrected section which complies with 37 CFR § 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel

whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen O'Hara can be reached on (571) 272-0878.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

05/07/2008

/Phillip Gambel/
Primary Examiner, Art Unit 1644

PTO-90C (Rev.04-03)